

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IRMA Y.D.,

Plaintiff,

ORDER

1:22-CV-06658-GRJ

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

GARY R. JONES, United States Magistrate Judge:

Pending before the Court is the Commissioner's Motion to Alter or Amend the Court's Judgment Pursuant to Rule 59 (e) of the Federal Rules of Civil Procedure. (Docket No. 30). The Commissioner has filed a memorandum of law in support of the motion. (Docket No. 31). The Plaintiff has not filed a response and the time for doing so has passed. The Court, therefore, will treat the motion as unopposed.

The Court entered a Decision and Order (Docket No. 25) granting Plaintiff judgment on the pleadings and remanding this matter for further administrative proceedings. Judgment has been entered. (Docket No. 26). The Commissioner does not take issue with the Court's order to remand the case back to the Commissioner for further proceedings. However, the Commissioner requests that the Court alter or amend the judgment by

removing from the Order the language “direct[ing] that proceedings before the ALJ be completed within 120 days of the date hereof,” and requiring that “[i]f the decision is a denial of benefits, then a final decision shall be rendered within 60 days of any appeal by Plaintiff.” Docket No. 25 at 20-21. The Court agrees with the Commissioner that compliance with the expedited deadlines mandated in the Court’s Decision and Order would be unduly burdensome to the Commissioner.

Accordingly, upon due consideration, it is ORDERED:

1. The Commissioner’s Motion to Alter or Amend the Court’s Judgment Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, Docket No. 30, is GRANTED.
2. While the Commissioner is requested to give expedited consideration to this matter on remand, the specific deadlines set forth in this Court’s Decision and Order are VACATED.
3. The Decision and Order shall otherwise remain in full force and effect, except as expressly amended herein.

Dated: November 6, 2023

s/ Gary R. Jones
GARY R. JONES
United States Magistrate Judge